

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
Sitting in Greenbelt**

In Re:

ARCHIBALD N. STEWART
Debtor(s)

**Case No. 20-10006
Chapter 13**

MIDFIRST BANK
Movant(s)

vs

ARCHIBALD N. STEWART
Respondent(s)

**OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN
BY SECURED CREDITOR**

COMES NOW, **MIDFIRST BANK**, (hereinafter "Objector"), by and through its attorneys, AXELSON, WILLIAMOWSKY, BENDER & FISHMAN, P.C., and Jeremy K. Fishman, Esquire, and objects to the confirmation of the Chapter 13 plan of the Debtor for the following reason

1. The Objector is the holder of a note secured by a first Deed of Trust dated March 26, 2004, and recorded among the Land Records of Montgomery County at Liber 29787, Page 449, encumbering the Debtor's principal residence located at 18523 Tarragon Way, Germantown, MD 20784. A copy of the Deed of Trust, Note, and Assignment(s) confirming said debt are attached hereto as Exhibit 1, Exhibit 2 and Exhibit 3.
2. The Objector's claim includes total pre-petition arrears of \$37,752.81.
3. The Debtor's Plan should not be confirmed because it fails to provide for any ascertainable methodology under which the Objector's claim shall be fully paid.

4. The Debtor's Plan incorrectly states that the arrearage owed to Midland Mortgage are \$35,000.00. Midland Mortgage is a division of MidFirst Bank and is the loan servicer for the noteholder MidFirst Bank.
5. The Debtor's Plan should not be confirmed because the proposed Plan does not adequately provide for the full amount of the creditor's claim. The Debtor's Plan does not include a proposal that would fully re-pay the thirty-eight pre-petition mortgage payments, late fees, and associated prior fees and costs.
6. The Debtor's Plan should also not be confirmed because it fails to adhere to Section 1325(a)(5) requirement that a Chapter 13 plan be proposed in good faith.

For the foregoing reasons, the Objector, MidFirst Bank respectfully requests the Bankruptcy Court deny confirmation of the Debtor's Plan, and for such other and further relief as to the Court may seem appropriate.

Respectfully submitted,

**AXELSON, WILLIAMOWSKY,
BENDER & FISHMAN, P.C.**

By: /S/ Jeremy K. Fishman
Jeremy K. Fishman
1401 Rockville Pike
Suite 650
Rockville, Maryland 20852
(301) 738-7684
Counsel for Objector

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of March, 2020, a copy of the foregoing was sent via first class mail, postage prepaid, to:

Archibald N Stewart
18523 Tarragon Way
Germantown, MD 20874

James R. Logan
James R. Logan P.A.
2419 Maryland Avenue
Baltimore, MD 21218

Timothy P. Branigan
9891 Broken Land Parkway
Suite 301
Columbia, MD 21046

/s/ Jeremy K. Fishman
Jeremy K. Fishman